

IN THE UNITED DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Humberto Rivera Jr,

Plaintiff,

_____CV_____

-against-

COMPLAINT

TOWN OF NEW FAIRFIELD,

NEW FAIRFIELD CONNECTICUT POLICE,

FIRST SELECTMEN PATRICIA DEL MONACO
in her official and individual capacities,

TRIAL BY JURY DEMANDED

SELECTMEN KHRIS HALL., in his official
and individual capacities,

SELECTMEN KIM HANSEN., in her official
and individual capacities.

SGT ADAM WAGNBLAS., In his official
and individual capacities.

PO/ TROOPER STEVENSON., in his official and individual
Capacities.

PO/TROOPER JOHN DOE ONE(1)., In his official
and individual capacities.

PO/TROOPER JOHN DOE TWO(2)., In his official
and individual capacities.

PO/TROOPER JOHN DOE (3)., In his official
and individual capacities.

PO/TROOPER JOHN DOE (4)., In his official
and individual capacities.

Defendants

COMPLAINT

Humberto Rivera Jr., hereinafter the Plaintiff, for his claim sues Town of New Fairfield, Connecticut, Connecticut Police/trooper department, First Selectmen Patricia Del Monaco, Selectmen Khris Hall, Selectmen Kim Hansen, SGT Adam Wagnblas. PO last name Stevenson,. PO John Doe one(1), PO John Doe two(2), PO John Doe three(3), PO John Doe four (4), hereinafter the defendant(s).

JURISDICTIONAL ALLEGATIONS

1. In this case Diversity of Citizenship is the basis for federal court jurisdiction.
2. This is an action for money damages in excess of \$75,000.
3. At all times material to this lawsuit, Humberto Rivera Jr was a resident of Putnam County, New York.
4. At all times material to this lawsuit, the defendant City of New Fairfield, Connecticut, New Fairfield police department, SGT Adam Wagnblas, PO/Trooper last name Stevenson, PO/Trooper John Doe one (1), PO/TROOPER John Doe two (2), PO/TROOPER John Doe three (3), PO/TROOPER John Doe (4)including all POs on the premises were/are employed troopers, residents, citizens, and governmental agencies of New Fairfield, Connecticut.
5. All acts necessary or precedent to the bringing of this lawsuit occurred or accrued in Putnam County, New York.
6. This court has jurisdiction.

GENERAL FACTUAL ALLEGATIONS

7. This is an action for money damages pursuant to 42 U.S.C. § 1983 and 1988 the Fourth and Fourteenth Amendments to the United States Constitution, and under the law of the State of New York against first selectmen Patricia Del Monaco, Selectmen Khrist Hall, Selectmen Kim Hansen, SGT Adam Wagnblas, PO/ Trooper Stevenson, PO/Trooper John Doe one(1), PO/Trooper John Doe two(2), PO/Trooper John Doe three(3), PO/Trooper John Doe four(4), Police Officers/Troopers of the town of New Fairfield in their individual and official capacities and against the town of New Fairfield, Connecticut and New Fairfield Connecticut police hereinafter referred to as defendant(s).

8. On or about March 2, 2019 at about 11:15 pm, with no probable cause nor exigent circumstance, New Fairfield, Connecticut Police seized our daughter, a child, from our home putting her in danger.

9. The defendants proceeded to enter Plaintiffs' home out of the defendants' jurisdiction.

10. Defendants didn't have permission from Plaintiff to enter the home warrantless to search and seize.

11. Defendant's conduct was outrageous and intolerable as he came into the Plaintiff's home without permission while the Plaintiff slept.

12. Defendants vandalized the Plaintiff's home as they entered warrantless.

13. Defendant Stevenson yelling Plaintiffs' name in the bedroom where Plaintiff slept woke him up leaving the Plaintiff in a state of terror.

14. Defendant Stevenson alongside PO John Doe (1) asked Plaintiff if he was intoxicated.

15. When Plaintiff answered "no", the defendant stated "you don't look intoxicated."

16. The Plaintiff was not intoxicated, incapacitated, a threat to the safety of himself or others, or disorderly.

17. The defendants acknowledged there were neither exigent circumstances or probable cause for the intrusion into the Plaintiff's home when defendant Stevenson stated "it sucks that they treat you guys this way."

18. The Plaintiff told defendants Stevenson and PO John Doe (1) "You guys have to leave my home because you are violating my rights".

19. The defendants continued to imprison the Plaintiff in his home for almost an hour.

20. The Plaintiff's questions went unanswered as he concernly asked if the defendants had identified the caller that prompted the defendant into the Plaintiff's home.

21. The defendants acknowledged there were neither exigent circumstances or probable cause for the intrusion into the Plaintiff's home when PO John Doe (2) walked into the home as PO John Doe (3) opened the door for him from outside of the home and stated: "I know it doesn't look right but sometimes it's better this way."

22. PO John Doe (3) stood guard in front of the door while speaking to PO John Doe (4) who was standing outside of the door in the front lawn stated "he isn't intoxicated."

23. Plaintiff Humberto Rivera Jr. claims PO Stevenson, PO John Doe (1), PO John Doe (2), PO John Doe (3), PO John Doe (4), made a warrantless entry, unreasonable search and seizure of his person, home, and daughter.

24. Falsely imprisoned Plaintiff, inflicting emotional distress, trespassing on plaintiffs property.

25. Plaintiff alleges that these constitutional violations were committed as a result of the policies and customs of the city of New Fairfield, Connecticut and the Connecticut Police/Trooper Department.

26. The city of New Fairfield and Connecticut Police/ Trooper Department are liable under the theory of respondeat superior for the torts committed by Defendants PO Stevenson, PO(1)PO(2),PO(3),PO(4).

27. Plaintiff re-alleges that these constitutional violations were committed as a result of the failure to train, policies and customs of First Selectmen Patricia Del Monaco, Selectmen Khris Hall, Selectmen Kim Hansen, SGT Adam Wagnblas.

28. The defendants are liable under the superiors responsible for training programs for the torts committed by Defendants PO Stevenson, PO(1)PO(2),PO(3),PO(4)

29. As a direct and proximate result of the acts of defendant(s), Plaintiff suffered the following injuries and damages:

- a. The defendant caused the Plaintiff numerous injuries.
- b. The defendant violated Humbertos' and his daughter's constitutional rights 4th and 14th amendments.
- c. The actions of the defendant endangered the child's psychological well-being, autonomy, and relationship to her family.
- d. The defendant caused the Plaintiff numerous injuries.
- e. That New Fairfield Police unreasonably trespassed into the home violating Humbertos' constitutional rights.
- f. That defendant vandalized the home on against the plaintiffs' objections
- g. The defendant abused their power under the color of law by falsely imprisoning the Plaintiff in his own home while searching his property without exigent circumstances or probable cause.
- h. Plaintiff was intimidated, shocked as he was surrounded in his property and home by numerous New Fairfield police officers without production of a warrant.
- i. In the manner in which the defendant woke the Plaintiff, resulted in intense pain in the Plaintiff's hands, wrist, neck, back and knees.
- j. Medically diagnosed sleep disorder;
- k. Trauma to the plaintiff as it debilitated mental state putting a strain on family relationships, i.e.father-daughter relationship;
- l. Medically diagnosed depression and anxiety;
- m. Medically Diagnosed severe Post-traumatic Stress Disorder

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with

such other and further relief as the Court may deem reasonable and just under the circumstances. There are witnesses.

AS AND FOR THE FIRST CAUSE OF ACTION

42 U.S.C. § 1983 against defendant(s) PO Stevenson, PO John Doe (1), PO John Doe (2), PO John Doe (3), PO John Doe (4).

30. Plaintiff realleges and restates and incorporates by reference paragraphs 1-29.

31. Plaintiff claims damages under 42 U.S.C. § 1983 for the injuries and damages set forth above against defendant(s) PO Stevenson, PO John Doe (1), PO John Doe (2), PO John Doe (3), PO John Doe (4), for violation of his constitutional rights under color of law.

32. The defendants proceeded to seize the Plaintiff's daughter from home without permission.

33. The defendants proceeded a warrantless search of the home without consent

34. The Defendant(s) violated the Plaintiff's and his daughters' 4th and 14th amendment rights.

35. Violation of his constitutional rights under the Fourth 4th Amendment to the United States, to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.

36. Violation of his constitutional rights under the fourteenth 14th Amendment to the United States. No state shall deprive any person born in the United States life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with such other and further relief as the Court may deem reasonable and just under the circumstances. There are witnesses.

AS AND FOR THE SECOND CAUSE OF ACTION

False imprisonment against defendant(s) PO Stevenson, PO John Doe (1), PO John Doe (2), PO John Doe (3), PO John Doe (4).

37. Plaintiff realleges and restates and incorporates by reference paragraphs 1-36

38. Defendants PO Stevenson, PO(1), PO(2), PO(3), PO(4), falsely imprisoned plaintiff by unlawfully detaining him against his will.

39. Defendants had no reason to detain Plaintiff because they did not reasonably believe that there were exigent circumstances or probable cause to participate in the unlawful detention.

40. Defendant falsely imprisoned Plaintiff for almost an hour.

41. Defendant kept the Plaintiff's daughter out of the house in cold weather detained in a police cruiser.

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

AS AND FOR THE THIRD CAUSE OF ACTION

Trespassing against defendant(s) PO Stevenson, PO John Doe (1), PO John Doe (2), PO John Doe (3), PO John Doe (4).

42. Plaintiff realleges and restates and incorporates by reference paragraphs 1-41.

43. Defendants vandalized and unlawfully forced their way into the home to enter warrantless.

44. Defendant trespassed into the Plaintiff's home and property without permission as his family was sound asleep.

45. The defendant continued unlawful entry into the home entering into the child's bedroom where the Plaintiff was sleeping.

46. That the defendants stood in the Plaintiff's front yard standing guard by the front door of the home trespassing on the property for almost an hour.

47. The defendants acknowledged there were no exigent circumstances nor probable cause for the intrusion into the Plaintiff's home.

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

AS AND FOR THE FOURTH CAUSE OF ACTION

negligence against defendant(s) PO Stevenson, PO John Doe (1), PO John Doe (2), PO John Doe (3), PO John Doe (4).

48. Plaintiff realleges and restates and incorporates by reference paragraphs 1-47.

49. Defendant PO Stevenson's conduct was outrageous and intolerable as he came into the Plaintiff's home and bedroom where Plaintiff slept yelling Plaintiffs' name.

50. Defendants terrorized the Plaintiff yelling trying to wake him while he was sound asleep.

51. The defendant frightened the Plaintiff awake causing injuries to the Plaintiff hands, knees, neck, wrist, back, head.

52. Plaintiff woke up staring at the floor as he tried to catch his breath and gather what was going on.

53. The defendant acted intentionally when PO Stevenson stated "It sucks that they treat you guys this way" yet continued to grossly neglect due diligence and care.

54. The defendants avoided answering any of the Plaintiff's questions regarding the search and seizure of his home and daughter.

55. The defendant acted with gross negligence when the PM failed to identify the caller.

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

AS AND FOR THE FIFTH CAUSE OF ACTION

infliction of Emotional distress against defendant(s) PO Stevenson, PO John Doe (1), PO John Doe (2), PO John Doe (3), PO John Doe (4).

56. Plaintiff realleges and restates and incorporates by reference paragraphs 1-55.

57. The defendant's acts caused severe emotional distress.

58. Defendant continued his reckless disregard even when he knew there were no exigent circumstances.

59. The defendants acknowledged there were neither exigent circumstances nor probable cause for the intrusion into the Plaintiff's home when PO John Doe (2) walked into the home as PO John Doe (3) opened the door for him from outside of the home and stated: "I know it doesn't look right but sometimes it's better this way."

60. Then the defendants should have known it was reasonably foreseeable that the acts would cause severe emotional distress.

61. The defendants' conduct was so indecent, atrocious, odious, uncivilized and intolerable that the Plaintiff is embarrassed, ashamed and displaced in his community.

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

AS AND FOR THE SIXTH CAUSE OF ACTION

42 U.S.C. 1983 against the town of New Fairfield, Connecticut, New Fairfield, Connecticut Police Department, first selectmen Patricia Del Monaco, Selectmen Khris Hall, Selectmen Kim Hansen, SGT Adam Wagnblas.

62. Plaintiff realleges and restates and incorporates by reference paragraphs 1-61

63. Prior to date of the cause of this action the New Fairfield, Connecticut Police/ Trooper Department, first selectmen Patricia Del Monaco, Selectmen Khris Hall, Selectmen Kim Hansen, developed and maintained customs or policies exhibiting deliberate indifference to the constitutional rights of persons in the Town of New Fairfield, Connecticut which caused the violation of Plaintiffs' rights.

64. It was the policy and/or custom of the New Fairfield, Connecticut Police Department, first selectmen Patricia Del Monaco, Selectmen Khris Hall, Selectmen Kim Hansen, to fail to exercise reasonable care in hiring its police officers, including Defendants PO Stevenson, PO 1, PO 2, PO 3, PO 4 thereby failing to adequately prevent constitutional violations on the part of its police officers.

65. It was the policy and/or custom of the New Fairfield, Connecticut Police Department, first selectmen Patricia Del Monaco, Selectmen Khris Hall, Selectmen Kim Hansen, SGT Adam Wagnblas, to inadequately supervise and train its police officers, including Defendants PO Stevenson, PO 1, PO 2, PO 3, PO 4, thereby failing to adequately discourage further constitutional violations on the part of its police officers.

66. As a result of the above described policies and customs, police officers of the Town of New Fairfield, Connecticut including Defendants PO Stevenson, PO 1, PO 2, PO 3, PO 4, believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

67. The above described policies and customs demonstrate a deliberate indifference on the part of the Town of New Fairfield to the constitutional rights of persons within the Town of New Fairfield, and were the cause of the violations of Plaintiff's rights alleged herein.

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

AS AND FOR THE SEVENTH CAUSE OF ACTION

Respondeat Superior of Town of New Fairfield

68. Plaintiff realleges and restates and incorporates by reference paragraphs 1-66

69. Defendant Town of New Fairfield, Connecticut is liable for the trespassing, negligence, false imprisonment, infliction of emotional distress, committed against Plaintiff by the Defendants, PO Stevenson, PO 1, PO 2, PO 3, PO 4, The Town of New Fairfield, Connecticut employed the officers, who committed trespassing, negligence, false imprisonment, infliction of emotional distress, while acting in the scope of their employment.

AS AND FOR THE EIGHTH CAUSE OF ACTION

for pain and suffering against the Town of New Fairfield, Connecticut, New Fairfield Connecticut Police/trooper department, First Selectmen Patricia Del Monaco, Selectmen Khris Hall, Selectmen Kim Hansen, SGT Adam Wagnblas. PO last name Stevenson,. PO John Doe one 1, PO John Doe 2, PO John Doe 3, PO John Doe 4.

70. Plaintiff realleges and restates and incorporates by reference paragraphs 1-69

71. Unlawful actions by the defendants are irreparable.

72. The defendants diminished the plaintiffs' earning power.

73. The defendants actions were degrading and humiliating to the plaintiffs family and community.

74. As a result, Plaintiff experienced mental pain and suffering from the claimant being injured.

75. Plaintiff suffers mental anguish, sleeping disorders, loss of enjoyment of life, fear, anger, anxiety, and shock.

WHEREFORE Humberto Rivera Jr Plaintiff moves this Honorable Court to enter an Order for monetary, punitive, damages in excess of \$1,000,000 against all the Defendants, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

Plaintiff's address

PO BOX 892

BREWSTER, NEW YORK

Tel: 845-581-0051

email : junyour15@gmail.com

s/Humberto Rivera, Jr.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO.

Humberto Rivera Jr.

Plaintiff,

Against,

TOWN OF NEW FAIRFIELD,

NEW FAIRFIELD CONNECTICUT POLICE,

FIRST SELECTMEN PATRICIA DEL MONACO
in her official and individual capacities,

SELECTMEN KHRIS HALL., in his official
and individual capacities,

SELECTMEN KIM HANSEN., in her official
and individual capacities.

SGT ADAM WAGNBLAS., In his official
and individual capacities.

PO/ TROOPER STEVENSON., in his official and individual
Capacities.

PO/TROOPER JOHN DOE ONE(1)., In his official
and individual capacities.

PO/TROOPER JOHN DOE TWO(2)., In his official
and individual capacities.

PO/TROOPER JOHN DOE (3)., In his official
and individual capacities.

PO/TROOPER JOHN DOE (4)., In his official
and individual capacities.

Defendants

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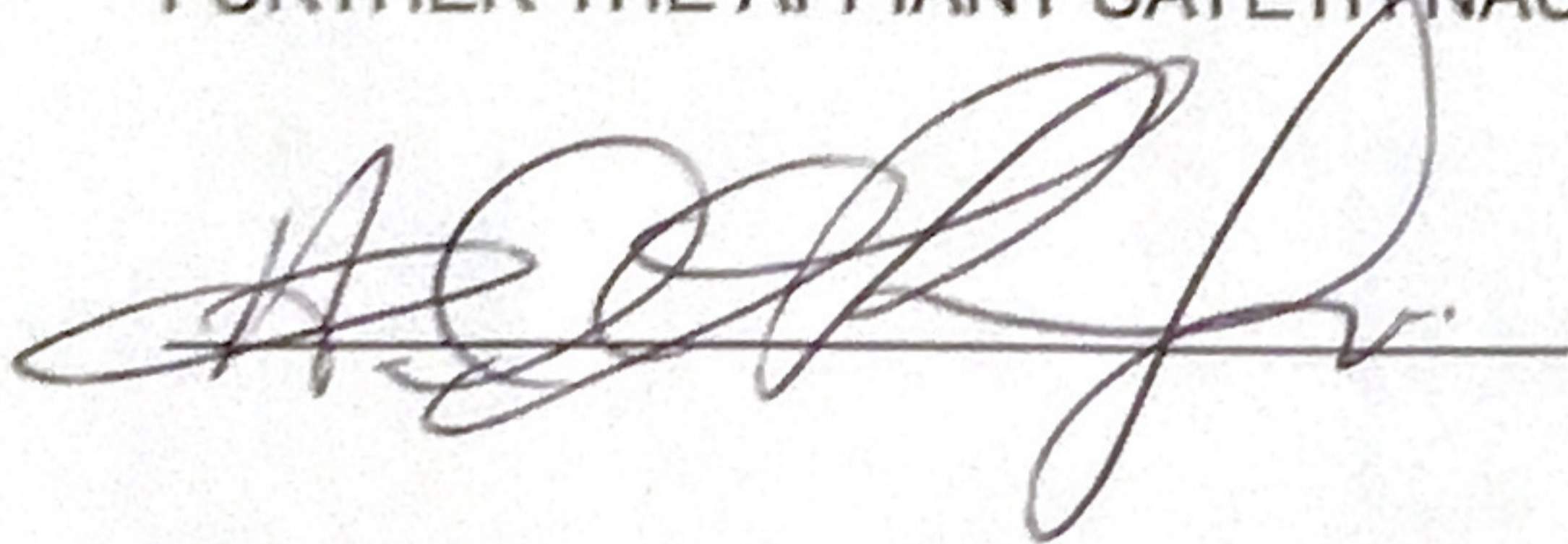
VERIFICATION OF COMPLAINT

STATE OF NEW YORK
COUNTY OF PUTNAM

BEFORE ME personally appeared Humberto Rivera Jr. Plaintiff who, being by me first duly sworn and identified in accordance with NEW YORK STATE law deposes and states under penalties of perjury:

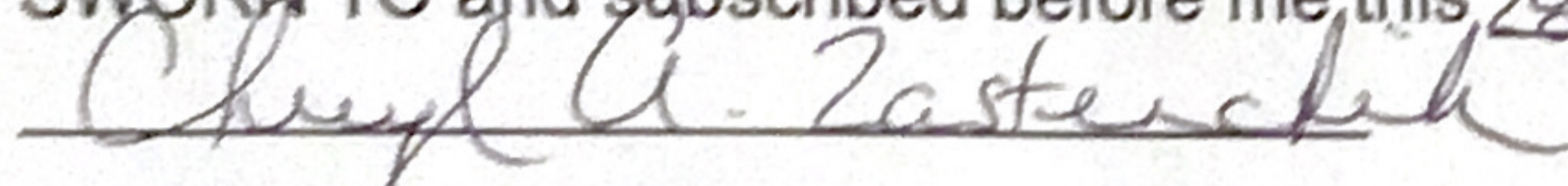
1. My name is Humberto Rivera Jr. , Plaintiff herein.
2. I have read and understood the attached foregoing complaint filed herein, and each fact alleged therein is true and correct of my own personal firsthand knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.



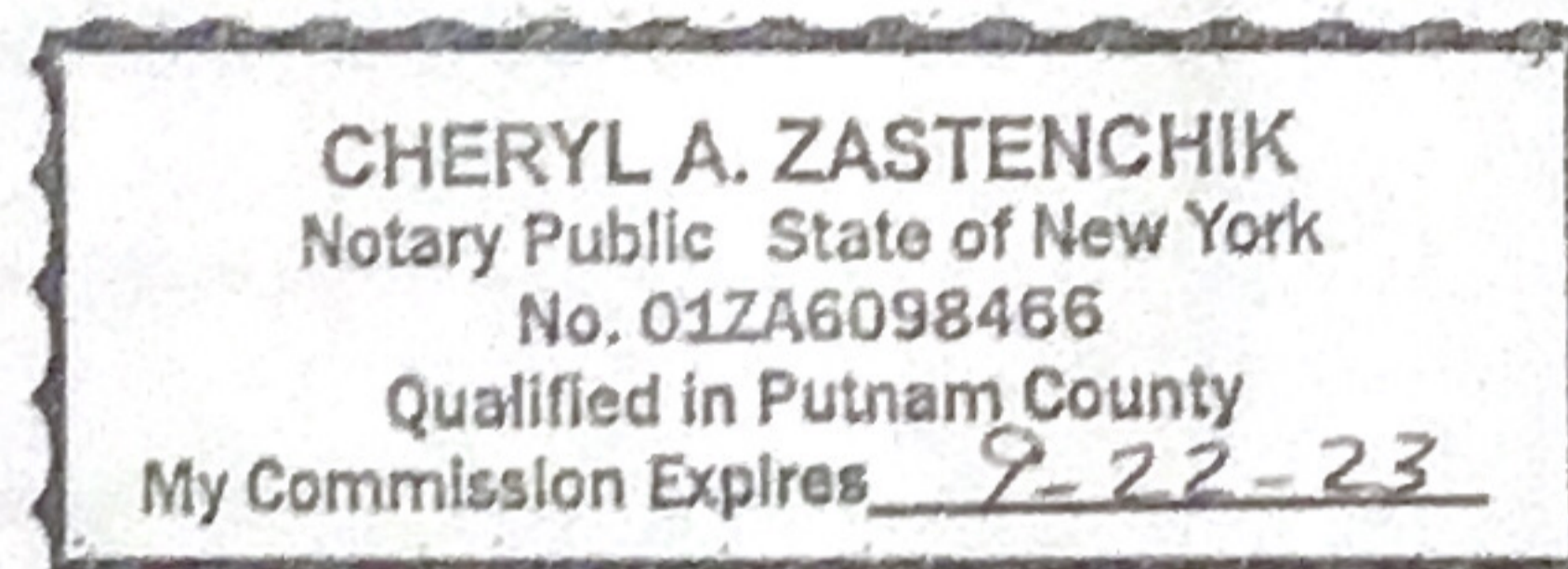
Humberto Rivera jr, Affiant

SWORN TO and subscribed before me this 28 day of FEB. 2022.



Notary Public

My commission expires: 9-22-23



The defendant, PATRICIA DEL MONACO, is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut.

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The defendant, KHRIS HALL is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut.

The defendant, KIM HANSEN is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut

The defendant, ADAM WAGNBLAS is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut

The defendant, last name STEVENSON is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut

The defendant, JOHN DOE1 is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut

The defendant, JOHN DOE 2 , is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut.

The defendant, JOHN DOE 3, is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut.

The defendant, JOHN DOE 4, is a citizen of the State of Connecticut

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of Connecticut

The defendant, TOWN OF NEW FAIRFIELD, is incorporated under the laws of the State of Connecticut

and has its principal place of business in the State of Connecticut

or is incorporated under the laws of (foreign state) Connecticut

and has its principal place of business in New Fairfield, Connecticut.

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The defendant, NEW FAIRFIELD CONNECTICUT POLICE, is incorporated under the laws of the State of

Connecticut.

and has its principal place of business in the State of Connecticut

or is incorporated under the laws of (foreign state) Connecticut

and has its principal place of business in Connecticut

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Defendants,

TOWN OF NEW FAIRFIELD
SUPERIOR
4 Brush Hill Rd.
New Fairfield, CT 06812

NEW FAIRFIELD CONNECTICUT POLICE
SUPERIOR
New Fairfield Resident Trooper
302 Ball Pond Rd.
New Fairfield, CT 06812

PATRICIA DEL MONACO
First Selectmen
Selectmen's Office
4 Brush Hill Rd.
New Fairfield, CT 06812

KHRIS HALL
Selectmen
Selectmen's Office
4 Brush Hill Rd.
New Fairfield, CT 06812

KIM HANSEN
Selectmen
Selectmen's Office
4 Brush Hill Rd.
New Fairfield, CT 06812

SERGEANT ADAM WAGNBLAS
302 Ball Pond Rd.
New Fairfield, CT 06812

PO/ TROOPER STEVENSON
302 Ball Pond Rd.
New Fairfield, CT 06812

PO/TROOPER JOHN DOE 1
302 Ball Pond Rd.
New Fairfield, CT 06812

PO/TROOPER JOHN DOE 2
302 Ball Pond Rd.
New Fairfield, CT 06812

PO/TROOPER JOHN DOE 3
302 Ball Pond Rd.
New Fairfield, CT 06812

PO/TROOPER JOHN DOE 4
302 Ball Pond Rd.
New Fairfield, CT 06812